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**SUBSTITUTE HOUSE BILL 1289**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott)

Read first time 02/22/95.

1 AN ACT Relating to vessels; amending RCW 88.12.155; reenacting and  
2 amending RCW 9.94A.320; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 88.12.155 and 1993 c 244 s 18 are each amended to read  
5 as follows:

6 (1) The operator of a vessel involved in a collision, accident, or  
7 other casualty, to the extent the operator can do so without serious  
8 danger to the operator's own vessel or persons aboard, shall render all  
9 practical and necessary assistance to persons affected by the  
10 collision, accident, or casualty to save them from danger caused by the  
11 incident. Under no circumstances may the rendering of assistance or  
12 other compliance with this section be evidence of the liability of such  
13 operator for the collision, accident, or casualty. The operator shall  
14 also give all pertinent accident information, as specified by rule by  
15 the commission, to the law enforcement agency having jurisdiction:  
16 PROVIDED, That this requirement shall not apply to operators of vessels  
17 when they are participating in an organized competitive event  
18 authorized or otherwise permitted by the appropriate agency having  
19 jurisdiction and authority to authorize such events. These duties are

1 in addition to any duties otherwise imposed by law. Except as provided  
2 for in RCW 88.12.015 and subsection (3) of this section, a violation of  
3 this subsection is a civil infraction punishable under RCW 7.84.100.

4 (2) Any person who complies with subsection (1) of this section or  
5 who gratuitously and in good faith renders assistance at the scene of  
6 a vessel collision, accident, or other casualty, without objection of  
7 the person assisted, shall not be held liable for any civil damages as  
8 a result of the rendering of assistance or for any act or omission in  
9 providing or arranging salvage, towage, medical treatment, or other  
10 assistance, where the assisting person acts as any reasonably prudent  
11 person would have acted under the same or similar circumstances.

12 (3) An operator of a vessel is guilty of a class C felony and is  
13 punishable pursuant to RCW 9A.20.021 if the operator: (a) Is involved  
14 in a collision that results in injury to a person; (b) knew or  
15 reasonably should have known that a person was injured in the  
16 collision; and (c) leaves the scene of the collision without rendering  
17 all practical and necessary assistance to the injured person as  
18 required pursuant to subsection (1) of this section, under  
19 circumstances in which the operator could have rendered assistance  
20 without serious danger to the operator's own vessel or persons aboard.  
21 This subsection (3) applies to collisions that occur on fresh waters  
22 located within the state of Washington.

23 **Sec. 2.** RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20,  
24 and 1994 c 53 s 2 are each reenacted and amended to read as follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

27	XV	Aggravated Murder 1 (RCW 10.95.020)
28	XIV	Murder 1 (RCW 9A.32.030)
29		Homicide by abuse (RCW 9A.32.055)
30	XIII	Murder 2 (RCW 9A.32.050)
31	XII	Assault 1 (RCW 9A.36.011)
32		Assault of a Child 1 (RCW 9A.36.120)
33	XI	Rape 1 (RCW 9A.44.040)
34		Rape of a Child 1 (RCW 9A.44.073)

1 X Kidnapping 1 (RCW 9A.40.020)  
2 Rape 2 (RCW 9A.44.050)  
3 Rape of a Child 2 (RCW 9A.44.076)  
4 Child Molestation 1 (RCW 9A.44.083)  
5 Damaging building, etc., by explosion with  
6 threat to human being (RCW  
7 70.74.280(1))  
8 Over 18 and deliver heroin or narcotic  
9 from Schedule I or II to someone  
10 under 18 (RCW 69.50.406)  
11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))

13 IX Assault of a Child 2 (RCW 9A.36.130)  
14 Robbery 1 (RCW 9A.56.200)  
15 Manslaughter 1 (RCW 9A.32.060)  
16 Explosive devices prohibited (RCW  
17 70.74.180)  
18 Indecent Liberties (with forcible  
19 compulsion) (RCW 9A.44.100(1)(a))  
20 Endangering life and property by  
21 explosives with threat to human being  
22 (RCW 70.74.270)  
23 Over 18 and deliver narcotic from Schedule  
24 III, IV, or V or a nonnarcotic from  
25 Schedule I-V to someone under 18 and  
26 3 years junior (RCW 69.50.406)  
27 Controlled Substance Homicide (RCW  
28 69.50.415)  
29 Sexual Exploitation (RCW 9.68A.040)  
30 Inciting Criminal Profiteering (RCW  
31 9A.82.060(1)(b))  
32 Vehicular Homicide, by being under the  
33 influence of intoxicating liquor or  
34 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)  
2 Promoting Prostitution 1 (RCW 9A.88.070)  
3 Selling for profit (controlled or  
4 counterfeit) any controlled substance  
5 (RCW 69.50.410)  
6 Manufacture, deliver, or possess with  
7 intent to deliver heroin or cocaine  
8 (RCW 69.50.401(a)(1)(i))  
9 Manufacture, deliver, or possess with  
10 intent to deliver methamphetamine  
11 (RCW 69.50.401(a)(1)(ii))  
12 Vehicular Homicide, by the operation of  
13 any vehicle in a reckless manner (RCW  
14 46.61.520)

15 VII Burglary 1 (RCW 9A.52.020)  
16 Vehicular Homicide, by disregard for the  
17 safety of others (RCW 46.61.520)  
18 Introducing Contraband 1 (RCW 9A.76.140)  
19 Indecent Liberties (without forcible  
20 compulsion) (RCW 9A.44.100(1) (b) and  
21 (c))  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Dealing in depictions of minor engaged in  
24 sexually explicit conduct (RCW  
25 9.68A.050)  
26 Sending, bringing into state depictions of  
27 minor engaged in sexually explicit  
28 conduct (RCW 9.68A.060)  
29 Involving a minor in drug dealing (RCW  
30 69.50.401(f))

31 VI Bribery (RCW 9A.68.010)  
32 Manslaughter 2 (RCW 9A.32.070)  
33 Rape of a Child 3 (RCW 9A.44.079)  
34 Intimidating a Juror/Witness (RCW  
35 9A.72.110, 9A.72.130)  
36 Damaging building, etc., by explosion with  
37 no threat to human being (RCW  
38 70.74.280(2))

1           Endangering life and property by  
2           explosives with no threat to human  
3           being (RCW 70.74.270)  
4           Incest 1 (RCW 9A.64.020(1))  
5           Manufacture, deliver, or possess with  
6           intent to deliver narcotics from  
7           Schedule I or II (except heroin or  
8           cocaine) (RCW 69.50.401(a)(1)(i))  
9           Intimidating a Judge (RCW 9A.72.160)  
10          Bail Jumping with Murder 1 (RCW  
11           9A.76.170(2)(a))  
  
12          V           Criminal Mistreatment 1 (RCW 9A.42.020)  
13           Theft of a Firearm (RCW 9A.56.300)  
14           Reckless Endangerment 1 (RCW 9A.36.045)  
15           Rape 3 (RCW 9A.44.060)  
16           Sexual Misconduct with a Minor 1 (RCW  
17           9A.44.093)  
18           Child Molestation 3 (RCW 9A.44.089)  
19           Kidnapping 2 (RCW 9A.40.030)  
20           Extortion 1 (RCW 9A.56.120)  
21           Incest 2 (RCW 9A.64.020(2))  
22           Perjury 1 (RCW 9A.72.020)  
23           Extortionate Extension of Credit (RCW  
24           9A.82.020)  
25           Advancing money or property for  
26           extortionate extension of credit (RCW  
27           9A.82.030)  
28           Extortionate Means to Collect Extensions  
29           of Credit (RCW 9A.82.040)  
30           Rendering Criminal Assistance 1 (RCW  
31           9A.76.070)  
32           Bail Jumping with class A Felony (RCW  
33           9A.76.170(2)(b))  
34           Sexually Violating Human Remains (RCW  
35           9A.44.105)  
36           Delivery of imitation controlled substance  
37           by person eighteen or over to person  
38           under eighteen (RCW 69.52.030(2))

1 IV Residential Burglary (RCW 9A.52.025)  
2 Theft of Livestock 1 (RCW 9A.56.080)  
3 Robbery 2 (RCW 9A.56.210)  
4 Assault 2 (RCW 9A.36.021)  
5 Escape 1 (RCW 9A.76.110)  
6 Arson 2 (RCW 9A.48.030)  
7 Bribing a Witness/Bribe Received by  
8 Witness (RCW 9A.72.090, 9A.72.100)  
9 Malicious Harassment (RCW 9A.36.080)  
10 Threats to Bomb (RCW 9.61.160)  
11 Willful Failure to Return from Furlough  
12 (RCW 72.66.060)  
13 Hit and Run « Injury Accident (RCW  
14 46.52.020(4))  
15 Hit and Run with Vessel - Injury Accident  
16 (RCW 88.12.155(3))  
17 Vehicular Assault (RCW 46.61.522)  
18 Manufacture, deliver, or possess with  
19 intent to deliver narcotics from  
20 Schedule III, IV, or V or  
21 nonnarcotics from Schedule I-V  
22 (except marijuana or  
23 methamphetamines) (RCW  
24 69.50.401(a)(1)(ii) through (iv))  
25 Influencing Outcome of Sporting Event (RCW  
26 9A.82.070)  
27 Use of Proceeds of Criminal Profiteering  
28 (RCW 9A.82.080 (1) and (2))  
29 Knowingly Trafficking in Stolen Property  
30 (RCW 9A.82.050(2))  
31 III Criminal Mistreatment 2 (RCW 9A.42.030)  
32 Extortion 2 (RCW 9A.56.130)  
33 Unlawful Imprisonment (RCW 9A.40.040)  
34 Assault 3 (RCW 9A.36.031)  
35 Assault of a Child 3 (RCW 9A.36.140)  
36 Custodial Assault (RCW 9A.36.100)  
37 Unlawful possession of firearm or pistol by felon (RCW  
38 9.41.040)  
39 Harassment (RCW 9A.46.020)

1 Promoting Prostitution 2 (RCW 9A.88.080)  
2 Willful Failure to Return from Work  
3 Release (RCW 72.65.070)  
4 Burglary 2 (RCW 9A.52.030)  
5 Introducing Contraband 2 (RCW 9A.76.150)  
6 Communication with a Minor for Immoral  
7 Purposes (RCW 9.68A.090)  
8 Patronizing a Juvenile Prostitute (RCW  
9 9.68A.100)  
10 Escape 2 (RCW 9A.76.120)  
11 Perjury 2 (RCW 9A.72.030)  
12 Bail Jumping with class B or C Felony (RCW  
13 9A.76.170(2)(c))  
14 Intimidating a Public Servant (RCW  
15 9A.76.180)  
16 Tampering with a Witness (RCW 9A.72.120)  
17 Manufacture, deliver, or possess with  
18 intent to deliver marijuana (RCW  
19 69.50.401(a)(1)(ii))  
20 Delivery of a material in lieu of a  
21 controlled substance (RCW  
22 69.50.401(c))  
23 Manufacture, distribute, or possess with  
24 intent to distribute an imitation  
25 controlled substance (RCW  
26 69.52.030(1))  
27 Recklessly Trafficking in Stolen Property  
28 (RCW 9A.82.050(1))  
29 Theft of livestock 2 (RCW 9A.56.080)  
30 Securities Act violation (RCW 21.20.400)  
31 II Malicious Mischief 1 (RCW 9A.48.070)  
32 Possession of Stolen Property 1 (RCW  
33 9A.56.150)  
34 Theft 1 (RCW 9A.56.030)  
35 Possession of controlled substance that is  
36 either heroin or narcotics from  
37 Schedule I or II (RCW 69.50.401(d))  
38 Possession of phencyclidine (PCP) (RCW  
39 69.50.401(d))

1 Create, deliver, or possess a counterfeit  
2 controlled substance (RCW  
3 69.50.401(b))  
4 Computer Trespass 1 (RCW 9A.52.110)  
5 Escape from Community Custody (RCW  
6 72.09.310)

7 I Theft 2 (RCW 9A.56.040)  
8 Possession of Stolen Property 2 (RCW  
9 9A.56.160)  
10 Forgery (RCW 9A.60.020)  
11 Taking Motor Vehicle Without Permission  
12 (RCW 9A.56.070)  
13 Vehicle Prowl 1 (RCW 9A.52.095)  
14 Attempting to Elude a Pursuing Police  
15 Vehicle (RCW 46.61.024)  
16 Malicious Mischief 2 (RCW 9A.48.080)  
17 Reckless Burning 1 (RCW 9A.48.040)  
18 Unlawful Issuance of Checks or Drafts (RCW  
19 9A.56.060)  
20 Unlawful Use of Food Stamps (RCW 9.91.140  
21 (2) and (3))  
22 False Verification for Welfare (RCW  
23 74.08.055)  
24 Forged Prescription (RCW 69.41.020)  
25 Forged Prescription for a Controlled  
26 Substance (RCW 69.50.403)  
27 Possess Controlled Substance that is a  
28 Narcotic from Schedule III, IV, or V  
29 or Non-narcotic from Schedule I-V  
30 (except phencyclidine) (RCW  
31 69.50.401(d))

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